

Remarks

I. Status of the Claims

Reconsideration of this Application is respectfully requested.

By the foregoing amendments, claims 26 and 75 are sought to be amended. Claims 1-25, 31 and 32 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Applicants reserve the right to pursue the cancelled subject matter in related applications. These amendments add no new matter to the application. Accordingly, entry and consideration of the amendments are respectfully requested.

Upon entry of the foregoing amendment, claims 26-30 and 33-77 are pending in the application, with claims 26 and 51 being the independent claims. Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

II. Objection to the Specification

At page 3 of the Office Action, the specification has been objected to for failing to use a correct heading on page 10 of the specification. As suggested by the Examiner, the heading has been amended to recite "BRIEF DESCRIPTION OF THE DRAWINGS." Accordingly, Applicants respectfully request that this objection be withdrawn.

III. Objection to the Title

At page 3 of the Office Action, the title has been objected to for allegedly not being descriptive. Applicants respectfully disagree with this objection. However, in an effort to advance prosecution, Applicants have amended the title as suggested by the Examiner.

IV. Objections to the Drawings

At page 3 of the Office Action, the drawings have been objected to as failing to comply with MPEP § 2422.02 because a sequence identifier has not been used in the drawings or in the Brief Description of the Drawings. Applicants have amended the description to insert the sequence identifiers as required by the Examiner. Accordingly, Applicants respectfully request that this objection be withdrawn.

V. Obviousness-type Double Patenting

A. Claims 26-30, 33-36, 40, 42-44, 51-62, 66, 68 and 75-77

At page 4 of the Office Action, claims 26-30, 33-36, 40, 42-44, 51-62, 66, 68 and 75-77 have been rejected under the judicially created doctrine of obviousness type double-patenting as being unpatentable over claims 12, 14, 26, 28, 40, 42, 54, 56, 66, 68, 78, 80, 90, 92, 102, 104, 116, 118, 130, 132, 144, 146, 158, 160, 170, 172, 182, 184, 194, 196, 209, 211, 212, 214, 215, 217, 218 and 220 of U.S. Patent No. 7,060,272 (hereinafter "the '272 patent"). Applicants respectfully traverse this rejection. However, Applicants respectfully request that this rejection be held in abeyance until subject matter that is

otherwise patentable is identified, at which time Applicants will consider filing a terminal disclaimer.

B. Claims 37-41 and 63-67

At page 4 of the Office Action, claims 37-41 and 63-67 have been rejected under the judicially created doctrine of obviousness type double-patenting as being unpatentable over claims 12, 14, 26, 28, 40, 42, 54, 56, 66, 68, 78, 80, 90, 92, 102, 104, 116, 118, 130, 132, 144, 146, 158, 160, 170, 172, 182, 184, 194, 196, 209, 211, 212, 214, 215, 217, 218 and 220 of the '272 patent in view of U.S. Patent No. 6,025,158 (hereinafter "the '158 patent"). Applicants respectfully traverse this rejection. However, Applicants respectfully request that this rejection be held in abeyance until subject matter that is otherwise patentable is identified, at which time Applicants will consider filing a terminal disclaimer.

C. Claims 49 and 73

At page 5 of the Office Action, claims 49 and 73 have been rejected under the judicially created doctrine of obviousness type double-patenting as being unpatentable over claims 12, 14, 26, 28, 40, 42, 54, 56, 66, 68, 78, 80, 90, 92, 102, 104, 116, 118, 130, 132, 144, 146, 158, 160, 170, 172, 182, 184, 194, 196, 209, 211, 212, 214, 215, 217, 218 and 220 of the '272 patent in view of Base *et al.* (hereinafter "Base"). Applicants respectfully traverse this rejection. However, Applicants respectfully request that this rejection be held in abeyance until subject matter that is otherwise patentable is identified, at which time Applicants will consider filing a terminal disclaimer.

D. Claims 26-30, 33-44, 49, 51-68, 73 and 75-77

At page 5 of the Office Action, claims 26-30, 33-44, 49, 51-68, 73 and 75-77 have been rejected under the judicially created doctrine of obviousness type double-patenting as being unpatentable over claims 1-146 of U.S. Patent No. 6,461,823 in view of Base, the '158 patent and U.S. Patent No. 5,763,223 (hereinafter "the '223 patent"). Applicants respectfully traverse this rejection. However, Applicants respectfully request that this rejection be held in abeyance until subject matter that is otherwise patentable is identified, at which time Applicants will consider filing a terminal disclaimer.

E. Claims 26-30, 33-44, 49, 51-68, 73 and 75-77

At page 7 of the Office Action, claims 26-30, 33-44, 49, 51-68, 73 and 75-77 have been rejected under the judicially created doctrine of obviousness type double-patenting as being unpatentable over claims 1-146 of U.S. Patent No. 6,943,020 in view of Base, the '158 patent and the '223 patent. Applicants respectfully traverse this rejection. However, Applicants respectfully request that this rejection be held in abeyance until subject matter that is otherwise patentable is identified, at which time Applicants will consider filing a terminal disclaimer.

VI. Rejections under 35 U.S.C. § 112

A. 35 U.S.C. § 112, Second Paragraph

At page 8 of the Office Action, claim 26 and claims dependent therefrom have been rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite. Applicants respectfully disagree with this rejection. However, in an effort to further prosecution, Applicants have amended claim 26 as suggested by the Examiner.

B. 35 U.S.C. § 112, First Paragraph

At page 8 of the Office Action, claims 26, 28, 30, 33-44, 49, 51, 52, 54, 56, 58-68, 73, 75 and 77 have been rejected under 35 U.S.C. § 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make the invention. In compliance with 37 C.F.R. § 1.808, Applicants submit herewith a Statement Concerning the Deposited Clone in which Applicants state that the deposit has been made under the terms of the Budapest Treaty and that all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent. Accordingly, Applicants respectfully request that the rejection be reconsidered and removed.

VII. Other Matters

Applicants would like to remind the Examiner that in accordance with 37 C.F.R. § 1.141(a), Applicants have reserved the right to claim additional species, and/or to have additional species searched and/or examined, in the event that a generic claim is found to be allowable.

In addition, Applicants would like to bring to the Examiner's attention that references AB2 and AC2 on the First Supplemental Information Disclosure Statement filed on April 12, 2004 were not initialed by the Examiner. Applicants respectfully request that the Examiner consider these references and indicate so in the next Communication.

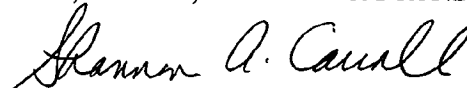
VIII. Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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